

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

ORDER NO. 309

IN THE MATTER OF:

Served September 20, 1963

Application of the W M A Transit Company,)   
Inc., for a Certificate of Public )   
Convenience and Necessity. )

Application No. 23

The Commission has heretofore, by Order No. 291, served August 8, 1963, referred this matter to an examiner for processing and issuance of a proposed certificate.

There follows hereafter the report and proposed certificate as prepared by Examiner Russell W. Cunningham. Any interested person may file exception thereto in accordance with the rules of practice and procedure and regulations of this Commission.

PROPOSED REPORT

The W M A Transit Company seasonably filed an application for a Certificate of Public Convenience and Necessity pursuant to Section 4(a)<sup>1</sup>

<sup>1</sup> "4(a) No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful."

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of Article XII of the Washington Metropolitan Area Transit Regulation Compact (hereafter "Compact"), alleging that it was on March 22, 1961 (the effective date of the Compact) bona fide engaged in transporting passengers for hire in motor vehicles in regular route common carriage and irregular route special and charter operations. Filed as a part of the application were various exhibits required by the Commission, including a detailed description of all regular routes, a list of vehicles, evidence of operating authority previously issued to it by the Interstate Commerce Commission ("ICC") and the Maryland Public Service Commission ("PSC"), financial data, and a statement setting forth the scope of the operating authority sought by this application.

The applicant is entitled to a Certificate authorizing such transportation as it was bona fide engaged in on March 22, 1961. The following is a detailed description of the transportation performed by the applicant on that date as set forth in its application.

Regular Routes: Generally, the applicant was engaged in regular route operations in intra-Maryland commerce in Prince Georges County, Maryland, and in interstate commerce between points and places in Prince Georges County and the District of Columbia. In addition, the District of Columbia Public Utilities Commission had authorized certain intra-District of Columbia regular route operations between points and places in the District of Columbia east of the Anacostia and the Potomac Rivers, and between points and places in the District of Columbia west of the Anacostia River and points and places in the District of Columbia east of the Anacostia River.

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The authority issued by the ICC was from points and places in Prince Georges County over certain routes to the District of Columbia and return. No routes within the District of Columbia were described by the IOC authority. The District of Columbia PUC had specified, for traffic control purposes, certain routes to be utilized by the applicant from the District of Columbia boundary to a terminal at 11th Street and Pennsylvania Avenue, N. W. Generally, these routes were identical to the routes prescribed for the applicant for its intra-District of Columbia operations.

Irregular Routes, Charter, and Special Operations: Under the laws of the District of Columbia any person could transport passengers for hire over irregular routes in charter and special operations within the District of Columbia merely by securing the proper license plates and fulfilling other registration requirements. Proof of public convenience and necessity was not required.

Under the Interstate Commerce Act transportation of passengers in charter and special operations was broken down into three categories: first, Section 208 (c) provides that any common carrier transporting passengers under a certificate issued under Part II could transport to any place special or charter parties. The word parties has been construed by the ICC to exclude individual ticket sales. This Section confers the so-called "incidental" rights. Secondly, Section 207(a) provides for charter and special operations under specific authority. It is this type of authority which carries with it the right to sell transportation to individuals. Thirdly, Section 203(b)(8) of the Act, commonly known as the

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Commercial Zone Exemption, provides that transportation of passengers within a municipality or between contiguous municipalities, or within a zone adjacent to and commonly a part of those municipalities, is exempt from the certificate requirement of the Act, provided that the motor carrier engaged in the interstate commerce is also lawfully engaged in the intrastate transportation of passengers over the entire length of the interstate route. Transportation performed under this exemption could be sold on a party or individual basis.

W M A performed special operations to football and baseball games from points and places in the District of Columbia and Montgomery and Prince Georges Counties, Maryland, to the District of Columbia, and to race tracks in the Metropolitan District, selling tickets to groups and individuals.

Actual operations as of March 22, 1961 appear to include charter and special operations, including sightseeing, by party only (and not by the sale of individual tickets in sightseeing and other special operation) except the special operations to the race tracks and athletic events hereinabove discussed. It further appears that W M A Transit Company originated charter and special operations from the District of Columbia and Montgomery County and Prince Georges County, Maryland. The applicant did not originate charter trips within the State of Virginia.

It is the opinion of the examiner that the following proposed certificate embraces all of the transportation engaged in by the applicant on March 22, 1961 that is subject to the jurisdiction of this Commission.

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A. REGULAR ROUTE COMMON CARRIER:

Passengers and their baggage, and express and newspapers in the same vehicle:

1. Between all points and places in Prince Georges County, Maryland.
2. Between Washington, D. C. and all points and places in Prince Georges County, Maryland.
3. Between points and places in the District of Columbia west of the Anacostia River and points and places in the District of Columbia east of the Anacostia River.
4. Between points and places in the District of Columbia east of the Anacostia and the Potomac Rivers.

This service shall be operated over the routes described in Application No. 23 which have heretofore been received and given File Numbers. Some of these routes have been amended by Commission order and are so reflected in current File Numbers. Any minor changes in or deviations of said routes shall be in accordance with the rules and regulations of this Commission.

B. IRREGULAR ROUTES, SPECIAL AND CHARTER OPERATIONS:

Passengers and their baggage in the same vehicle:

1. Between all points and places in the Metropolitan District, except between points and places in Virginia, restricted to traffic originating at points and places

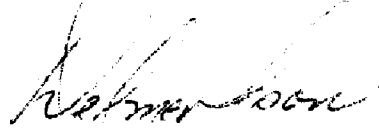
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within the District of Columbia and Prince Georges  
County, Maryland.

Restriction: The above granted irregular route author-  
ity is for group or party only, and not individual, ex-  
cept for special operations to and from the race tracks  
in Maryland and athletic events in the District of  
Columbia.

Any repetition in the statement of authority granted herein  
shall not be construed as conferring more than one operating right.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read "Delmer Ison", is written over a horizontal line.

DELMER ISON  
Executive Director